

REMARKS/ARGUMENTS

The Applicant has carefully considered this application in connection with the Office Action and respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-29 in the application. As a result of amendments in previous responses, Claims 1-5, 7-20, 34-39 and 44-47 remained under examination. In another previous response, the Applicant canceled Claims 1-5, 7-20, 34-39 and 44-47 and presented Claims 48-85 for examination. The Applicants amend herewith Claims 48, 53, 62, 72 and 77 without prejudice or disclaimer. Support for the amendments is found at least in column 3, lines 39-41 of U.S. Patent No. 7,334,038 incorporated by reference in the present Application as U.S. Patent Application Serial No. 09/542,602 (*see, e.g.*, page 4, ll. 10-13). Accordingly, Claims 48-85 are currently pending in the Application.

I. Formal Matters and Objections

The Examiner has objected to Claims 48, 53, 62 and 72 for including the phrase “adapted to”. The Office asserts that “it has been held that the recitation that an element is ‘adapted’ to perform a function is not a positive limitation but only requires the ability to so perform.” However, the Office cites no authority for this assertion. Indeed, MPEP § 2103(II)(C) merely offers the phrase “adapted to” as an example of “language that may raise a question as to the limiting effect of the language in a claim” (emphasis added). The Office provides no cogent analysis of whether “adapted to” fails to recite such a limitation in the Claims objected to. Therefore, the objection is without merit, and should be withdrawn. Moreover, the Applicants respectfully submit that the grammar and

intended meaning of the terms in the claim make clear that “adapted to” limits the claim scope. (*See id.*)

Nevertheless, to advance prosecution of the claims, the Applicant amends Claims 48, 53, 62, 72 and 77 to replace “adapted to” with “capable of” to advance prosecution. The phrase “capable of” means that the server includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task. Similarly, the methods rely on such software, hardware, firmware or a combination thereof to accomplish their stated task. Accordingly the Applicant respectfully requests that the Office withdraw the objection to Claims 48, 53, 62 and 72 and allow issuance thereof.

II. Rejection of Claims 48, 51-72 and 75-85 under 35 U.S.C. § 102

The Examiner has rejected Claims 48, 51-72 and 75-85 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,505 to Wang, *et al.* (“Wang”). The Applicant respectfully traverses the rejection because Wang fails to teach each and every limitation of amended Claim 1.

Amended Claim 1 includes the limitation

transmitting to said automation agent a copy of an extensible service location map of an extensible service bus, wherein said extensible service location map includes a listing of a plurality of extensible services included on said extensible service bus and server location information corresponding to each extensible service of the listing.

Wang as applied by the Office fails to teach transmitting an extensible service map to the automation agent as recited in amended Claim 48. Accordingly Claim 48 is allowable over Wang as applied. Claims 62 and 72 are also allowable, *mutatis mutandis*. Claims 51-61, 63-70 and 75-85 are allowable at least because they each depend from an allowable base claim.

Accordingly the Applicant respectfully requests that the Office withdraw the rejection of Claims 48, 51-72 and 75-85 under §102 and provide a notice of allowance for these claims.

III. Rejection of Claims 49-50 and 73-74 under 35 U.S.C. § 103

The Examiner has rejected Claims 49-50 and 73-74 under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of U.S. Patent No. 6,091,713 to Lechleider, *et al.* ("Lechleider"). The Applicant respectfully traverses the rejection because the combination as applied by the Office fails to teach or suggest each and every limitation of the Claims.

As set forth above the Office has not shown that Wang teaches transmitting an extensible service location map as recited in amended Claims 48, 62 and 72. Moreover, the Applicant finds no suggestion in the cited portions of Wang of transmitting an extensible service location map. Furthermore, Lechleider as applied in the Office Action fails to cure the deficiency of Wang.

Accordingly, Claims 49-50 and 73-74 are allowable over the asserted combination of Wang and Lechleider, at least because these claims each depend from an allowable base claim. The Applicant therefore respectfully requests that the Office withdraw the rejection of Claims 49-50 and 73-74 under §103 and provide a notice of allowance for these claims.

IV. Rejection of Claims 48, 51-72 and 75-85 under 35 U.S.C. §103

The Examiner has rejected Claims 48, 51-72 and 75-85 under 35 U.S.C. §103(a) as being unpatentable over Wang in view of U.S. Patent No. 6,529,784 to Cantos, *et al.* ("Cantos"). The Applicant respectfully traverses the rejection because the combination as applied by the Office fails to teach or suggest each and every limitation of the Claims.

As set forth above the Office has not shown that Wang teaches transmitting an extensible service location map as recited in amended Claims 48, 62 and 72. Moreover, the Applicants do not

find a suggestion within the cited portions of Wang of transmitting an extensible service location map. Furthermore, Cantos as applied in the Office Action fails to cure the deficiency of Wang.

Accordingly, Claims 48, 51-72 and 75-85 are allowable over the asserted combination of Wang and Cantos, at least because these claims each depend from an allowable base claim. The Applicant therefore respectfully requests that the Office withdraw the rejection of Claims 48, 51-72 and 75-85 under § 103 and provide a notice of allowance for these claims.

V. Rejection of Claims 49 and 73 under 35 U.S.C. § 103

The Examiner has rejected Claims 49 and 73 under 35 U.S.C. § 103(a) as being unpatentable over Wang and Cantos in view of Lechleider. The Applicant respectfully traverses the rejection because the combination as applied by the Office fails to teach or suggest each and every limitation of the Claims.

As set forth above the Office has not shown that the combination of Wang and Cantos teaches or suggests transmitting an extensible service location map as recited in amended Claims 48, 62 and 72. As further set forth above Lechleider fails to cure the deficiency of the combination of Wang and Cantos.

Accordingly, Claims 48 and 72 are allowable over the asserted combination of Wang, Cantos and Lechleider at least because these claims each depend from an allowable base claim. The Applicant therefore respectfully requests that the Office withdraw the rejection of Claims 49 and 73 under § 103 and provide a notice of allowance for these claims.

VI. Conclusion

In view of the foregoing amendment and remarks, the Applicant respectfully asserts that all of the Claims currently pending in this application are in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 48-85.

The Applicant requests the Examiner of record to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in dark ink, appearing to read "Andrew R. Ralston", is written over the printed name.

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